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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,343	05/20/2002	Takao Yoshimine	450101-03178	8796

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
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ALEXANDRIA, VA 22314

EXAMINER

CHEA, PHILIP J

ART UNIT	PAPER NUMBER
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2153

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/019,343	Applicant(s) YOSHIMINE, TAKAO	
	Examiner Philip J. Chea	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This Office Action is in response to a Request for Continued Examination filed October 11, 2006.

Claims 8-14 are currently pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8,9,13,14 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bandaru et al. (US 6,535,228), herein referred to as Bandaru.

As per claims 8,13,14, Bandaru discloses a data-providing apparatus attached to a plurality of user apparatuses over a network, said data-providing apparatus comprising:

a receiving unit configured to receive content data transmitted from the plurality of said user apparatus (see column 3, lines 21-35);

a user contents control unit configured to control recording of the content data received by the receiving unit into a recording area corresponding to each user apparatus with a user ID indicating each user who offers the content data to be shared and a shared data flag in a database (see column 17, lines 10-26). In considering a user ID indicating each user who offers the data to be shared, Bandaru does not expressly disclose a "user ID". However, Bandaru does show that a user profile with a unique account is used to organize the shared contents and a share list is unique to a user (see column 16, lines 1-13 and column 15, lines 37-57). The shared contents control unit would obviously be modified by Bandaru to include the shared data "flag" in order to distinguish objects from shared and unshared;

a shared contents control unit configured to control the recorded contents (see Fig. 16, where objects may be selected for sharing); and

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a data-supplying unit configured to supply content data set to be shared to the plurality of user apparatuses in response to a demand made by the plurality of user apparatuses. (see column 17, lines 20-28),

wherein the shared data flag indicates whether the user contents is set to be shared or not, and wherein the shared data flag is set in the database based on property data edited by the user when the user transmits the content data (see column 16, line 61 – column 17, line 6, where a user may wish to share an object once it is transmitted to the DMF and column 3, lines 21-35 showing a user transmitting content data to the DMF).

As per claim 9, Bandaru further discloses a thumbnail-generating means for generating a thumbnail corresponding to data received by a receiving unit and thumbnail transmitting means for transmitting the thumbnail to a second data-processing apparatus (see Bandaru Fig. 13).

3. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bandaru as applied to claim 8 above, and further in view of Neel et al. (US 5,838,314).

As per claim 10, although the system disclosed by Bandaru shows substantial features of the claimed invention (discussed above), it fails to disclose that the shared determining whether the data should be paid for its use, when the data is supplied to a second data-processing apparatus.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Bandaru, as evidenced by Neel et al.

In an analogous art, Neel et al. disclose a video service system that provides video signals for programming via satellite link or broadband transmission links further disclosing determining whether data should be paid for its use, when the data is supplied to a second data-processing apparatus (see column 6, lines 7-25, where watching an advertisement instead of paying for the video programming is like getting a credit from the data-processing apparatus for watching the advertisement).

Given the teaching of Neel et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Bandaru by determining whether data should be

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paid for its use, such as disclosed by Neel et al., in order to give a user an alternative to paying for movies.

As per claim 11, Bandaru in view of Neel et al. further disclose the shared contents control unit further determines a fee for the data when the data is supplied to a second data-processing apparatus (see Neel et al. column 6, lines 7-25).

As per claim 12, Bandaru in view of Neel et al. further disclose that the fee is an amount that the data-processing apparatus needs to pay to the second data-processing apparatus when the data is supplied to the second data-processing apparatus (see Neel et al. column 6, lines 7-25).

Response to Arguments

4. Applicant's arguments with respect to claims 8-14 in regards to Barraclough have been considered but are moot in view of the new ground(s) of rejection. The Examiner has replaced the Barraclough reference with a single reference rejection using Bandaru. Please consider the remarks above addressing the newly amended claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Philip J Chea
Examiner
Art Unit 2153

PJC 12/14/06


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER